



MINUTES OF THE COMMON COUNCIL

WEDNESDAY, APRIL 3, 2013, 7:00 P.M.

**COUNCIL CHAMBERS
ROOM 203, CITY HALL**

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney Tony Wachewicz. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, A. Kocha, J. Moore, D. Boyce, J. Brunette, J. Warner, M. Steuer, B. Danzinger, T. Sladek. Excused: None.

Pledge of Allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Tim DeWane, seconded by Ald. Thomas DeWane to approve the minutes of the March 19, 2013, meeting. Motion carried.

Moved by Ald. Steuer, seconded by Ald. Moore to approve the agenda. Motion carried.

REPORT BY THE MAYOR

The State Joint Committee on Finance will be holding one of their public hearings in Green Bay at Lambeau Field on Monday, April 8th, beginning at 10:00 A.M.

C.H. Robinson ribbon cutting is on Wednesday, April 10th, at 6:00 P.M.

Karen Faulkner, Walk a Mile in My Shoes, gave a presentation on the event being held Saturday, April 20.

Nancy Quirk, General Manager of the Green Bay Water Utility, gave an update on the water main break on East Mason Street.

PUBLIC HEARINGS

Miscellaneous Ordinance No. 1-13

An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to property located on the northwest corner of Elizabeth Street and University Avenue from High Intensity Retail Office Housing (HIROH) to Light Industry, Office, and Office-Warehouse. (Item #20)

No one appeared.

Zoning Ordinance No. 4-13

An ordinance amending the standards in Zoning Ordinance No. 12-09 which created a Planned Unit Development District at 300 Elizabeth Street. (Item #21)

No one appeared.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to suspend the rules for the purpose of adopting the ordinances with one roll call vote. Motion carried.

PRESENTATIONS

Mayor Schmitt presented a plaque to Roy Campbell, employee of the year.

Kay VanBoxtel, American Cancer Society Community Champion for Cancer Prevention Study 3, gave a presentation on the study.

APPOINTMENT BY THE MAYOR

NEW APPOINTMENT

On Broadway Business Improvement District Board

Rachel Sowinski, 123 N Broadway, Green Bay, WI 54303

Term to expire: April 1, 2016

Moved by Ald. Thomas DeWane, seconded by Ald. Warner to confirm the appointment. Motion carried.

PETITIONS & COMMUNICATIONS

IMPROVEMENT & SERVICE COMMITTEE

Applications for Concrete Sidewalk Builder's Licenses by the following:

- A. KPC Concrete Contractor, LLC
- B. Jeff Baeten Concrete Construction
- C. Shier Construction
- D. RG Hendricks & Sons Construction, Inc.

PERSONNEL COMMITTEE

Request by Ald. Thomas DeWane to develop a draft policy regarding the rehire of employees, for review and discussion.

PLAN COMMISSION

Request by Ald. Nicholson to review and amend Section 13-519(f) regarding the parking of recreational vehicles, with possible action.

PROTECTION & WELFARE COMMITTEE

Request by the Glass Nickel Pizza Co. to be exempt from the outdoor patio height regulations at 416 Dousman Street.

Renewal application for a 6-month Class "B" Beverage License by Titledown Baseball Group, LLC at 1495 Kurtz Avenue. (Joannes Stadium)

Application for a Class "B" Combination License by My Bar, LLC at 702 N. Quincy Street. (Transfer from Kim VandenBusch)

Application for an available Class "B" Liquor License by El Carboncito, LLC at 1464 University Avenue. (Currently has beer only)

Request by the owners of Brewski's, 1100 S. Broadway, to hold outdoor events on May 4 and May 18.

Application for a Class "B" Combination License by Coaches Corner Downtown, LLC at 501 N. Adams Street. (Transfer from Coaches Corner, LLC)

Moved by Ald. Tim DeWane, seconded by Ald. Wiezbiskie to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

REPORTS FOR COUNCIL ACTION

REPORT OF THE GREEN BAY PLAN COMMISSION April 3, 2013

The Green Bay Plan Commission, having met on Monday, March 25, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To amend the Official City Map to reflect an alternative future road pattern north of West Point Road subject to the following conditions:
 - a) The placement of a 15-foot-wide pedestrian way from the extension of Sandstone Place to West Point Road.
 - b) Non-objection from commenting departments.

2. To rezone the 3100 block West Point Road/the proposed Sand Ridge Park South Subdivision from Rural Residential (RR) to Low Density Residential (R1) and to rezone existing wetland areas as Conservancy (CON).
3. To vacate the portion of Valley View Road east of Barberry Lane subject to the following conditions:
 - a) Petitioner is responsible for all costs to abandon the existing storm sewer and remove pavement within the vacated area.
 - b) A utility easement is retained for the existing Wisconsin Public Service facilities, or the facilities are removed and/or relocated at the requestor's expense.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to adopt the report. Motion carried.

REPORT OF THE TRAFFIC COMMISSION April 3, 2013

The Traffic Commission having met Monday, March 18, 2013, considered all matters on its agenda and wishes to report and recommends the following:

1. To receive and place on file the report by the Traffic Engineer of the appointments of Victoria Jones and Daniel Theno.
2. To receive and place on file the request to consider operating flashing yellow arrow traffic signals on Military Avenue as is done on South Oneida Street near Bay Park Square mall.
3. To refer to staff for study the request to possibly reconfigure the northbound lanes of North Oneida Street at Shawano Avenue to allow for left and right turns, as well as forward egress.
4. To receive and place on file the request to change parking restrictions to 2-HOUR parking from 1-HOUR parking for the easternmost portion of Laredo Lane and the part of Delray Drive which extends north of Trojan Drive.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report. Motion carried.

REPORT OF THE FINANCE COMMITTEE April 3, 2013

The Finance Committee, having met on Wednesday, March 27, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the minutes of the Finance Committee meeting of March 12, 2013.
2. To approve the City's Debt Service Policy that includes Tax Compliance language.
3. To award the replacement of the Council Chambers Audio/Visual – Media & Voting System to Camera Corner, Inc. for \$44,996.
4. To receive and place on file the report by the Finance Director.

2013 Contingency Fund
\$110,000

Moved by Ald. Thomas DeWane, seconded by Ald. Tim DeWane to adopt the report.
Motion carried.

**REPORT OF THE
IMPROVEMENT AND SERVICE COMMITTEE
APRIL 3, 2013**

The Improvement and Service Committee, having met on March 27, 2013 considered all matters on its agenda and wishes to report and recommend the following:

1. To deny the request by Ernestine Jacobs to rescind the early set out charge of \$57.00 at 826 S Chestnut Avenue.
2. To deny the request by Gerondale Outlet Center to rescind the sidewalk snow/ice removal charge of \$63.90 at 1317 Velp Avenue.
3. To deny the request by Kevin Sas to rescind the sidewalk snow/ice removal charge of \$58.95 at 1207 Smith Street.
4. To postpone the request by Equanda Hughes to rescind the sidewalk snow/ice removal charge of \$60.00 at 2072 August Street to the next I&S meeting on April 10, 2013.
5. To refer to staff the request by Brown County Risk Management to perform a street light study for the City-owned Lot B.
6. To approve the request for a Jurisdictional Transfer of City of Green Bay owned N Military Avenue right-of-way in the Village of Howard to the Village of Howard.

7. To approve the applications for Tree & Brush Trimmer Licensees by the following:
 - A. A to Z Tree Service, LLC
 - B. Carl's Tree Service
8. To approve the applications for Concrete Sidewalk Builder's Licenses by the following:
 - A. A & M Concrete & Construction
 - B. American Concrete Construction
 - C. Helmle Construction, Inc.
 - D. In the Countryside Concrete
 - E. Bill Weise Construction
 - F. Frank O. Zeise Construction Co., Inc.
 - G. Ken's Concrete LLC
 - H. Elmer Weise Construction
9. To order in asphalt pavement reconstruction improvements and levy special assessments on the following streets:

HOWARD STREET – Twelfth Avenue to Oak Street
10. To approve the annual exemption to the on-street parking restrictions for the resident at 804 Tommark Street.
11. To receive and place on file the verbal Director's Report on the recent activities of the Public Works Department.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the report. Motion carried.

REPORT OF THE PARK COMMITTEE April 3, 2013

The Park Committee, having met on Wednesday, March 27, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the Fly-A-Kite event June 29, 2013 at Arnie Wolff Sports Complex contingent upon all fees, proper permits, special event permit approval and insurances are obtained.
2. If awarded, accept the KaBoom! Grant for playground replacement and community garden upgrades at Eighth Street Park and to authorize staff to use \$8,500 from the Park Development Fund as a match for the grant.

3. To approve the fundraising and construction of a concession/restroom building at East River Optimist Park contingent on the following:
 - Successful fundraising by the Optimist Club of Green Bay. The Optimist Club of Green Bay would be responsible for all costs of construction and materials.
 - The Park Department will fund the electrical, sanitary and water utilities to the building.
 - Park staff approval of the final layout and construction plans. All materials and supplies must meet the City's building and inspection code requirements.
 - Concession rights to the building would be established between all user groups and be determined by the Green Bay Parks, Recreation & Forestry Department.
 - Once the building is completed it becomes property of the City of Green Bay.
4. To authorize staff to construct a storage shed in conjunction with the East Side Softball group at Finger Road LL Complex contingent on the following:
 - All costs of materials and construction labor are split evenly between the East Side Softball group and the City of Green Bay Parks, Recreation & Forestry Department.
 - Department of Public Works approval to successfully engineer a venting system for the building.
 - All proper permits and insurances being obtained.
 - Rights to the building would be established between all user groups and be determined by the Green Bay Parks, Recreation & Forestry Department.
 - Once completed the building becomes property of the City of Green Bay.
5. To approve staff's recommendations for the 2013 bond request.
6. If awarded the grant, authorize staff to accept the U. S. Forest Service State and Private Forestry F4 2013 Great Lakes Restoration Initiative Grant to mitigate the impact of Emerald Ash Borer (EAB) by providing treatment options and replacement of ash trees to maintain the City urban forest
7. To receive and place on file the Director's Report

Moved by Ald. Thomas DeWane, seconded by Ald. Warner to adopt the report. Motion carried.

REPORT OF THE PERSONNEL COMMITTEE

April 3, 2013

The Personnel Committee, having met on Wednesday, March 27, 2013 considered all matters on its agenda and reports and recommends the following:

1. To provide an update in six-months on the status of the City's grants.
2. To approve the requests to fill the following vacancies and all subsequent vacancies resulting from internal transfers.
 - a. Maintenance Specialist II/Mechanic – Parks, Recreation & Forestry.
 - b. Patrol Officer (5 positions)
3. To approve a 3-year contract with Bellin Health to provide Health Risk Assessment and Health Coaching Services, effective April 16, 2013.
4. To receive and place on file the update on labor negotiations.
5. To receive and place on file the report of routine Personnel Actions for regular employees.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to adopt the report. Motion carried.

PROTECTION & WELFARE COMMITTEE REPORT

April 3, 2013

The Protection & Welfare Committee, having met on Monday, March 25, 2013 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the application for one of five available "Class B" Liquor License by Taco Burrito Mexico of Green Bay, LLC at 218 S. Webster Avenue with the approval of proper authorities. (Currently has beer only.)
2. To approve the application for a "Class A" Liquor License by Pit Row, Inc. at 2590 University Avenue with the approval of proper authorities. (Currently has beer only.)

3. To deny the application for an Entertainment Facility License by Monica Phelps at 913 E. Walnut Street. ~~with the approval of the proper authorities (postponed from the March 11, 2013 meeting).~~
4. To deny the appeal by Isaiah Miller Jr. to the denial of his Public Vehicle Operator License application.
5. To approve the appeal by Kevin Vande Hei to the denial of his Operator License application (referred back from the March 19, 2013 Common Council meeting).
6. To approve the request by the City Attorney's office to repeal Green Bay Municipal Code Chapter 11 related to the regulation of restaurants.

Moved by Ald. Thomas DeWane, seconded by Ald. Boyce to adopt the report with the exception of Item #3. Motion carried.

Moved by Ald. Sladek, seconded by Ald. Steuer to adopt Item #3.

Moved by Ald. Kocha, seconded by Ald. Moore to amend Item #3 by deleting everything after "Walnut Street". Motion carried.

Moved by Ald. Kocha, seconded by Ald. Moore to adopt Item #3 as amended. Motion carried.

REPORT OF THE PROTECTION AND WELFARE COMMITTEE GRANTING OPERATOR LICENSES

April 3, 2013

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted. Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Andrews, Danielle M
Childress, Maruee R
Dominick, Adam B
Fritz, Adam J
Heinonen, Mark A
Hiller, Anthony C
Maertz, Lacy J
Mottes, Selina N
Nielson, Kip R
Oberle, Nicole L
Perrault, Karin L
Peterson, Linda L
Vang, Kathleen K

Varisco, Tiffany A
Verheyden, Julie A
Wiegert, Paula G
Yant, Barbara A

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt the report.
Motion carried.

RECEIVE & PLACE ON FILE

City of Green Bay Trial Balance Report for February, 2013.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to receive the report and place it on file. Motion carried.

RESOLUTIONS

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of adopting all the resolutions with one roll call vote. Motion carried.

FINAL PAYMENTS RESOLUTION APRIL 3, 2013

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

1. PAVEMENT 2-12

MCC, Inc.

TOTAL AMOUNT EARNED:	\$ 253,839.76
LESS AMOUNT RETAINED:	\$ 0.00

\$ 253,839.76

LESS AMOUNT PREVIOUSLY PAID:	\$ 247,351.51
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AMOUNT DUE THIS ESTIMATE:	\$ 6,488.25
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ACCOUNT NUMBERS

401-50-500-501-55305-000000-000-61082: \$6,488.25

PO #105130

Adopted April 3, 2013

Approved April 4, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

RESOLUTION CHANGING THE
NAME OF THE 300 BLOCK OF
NORTH PEARL STREET
TO DONALD DRIVER WAY

April 3, 2013

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the 300 block of North Pearl Street (see attached map and legal description)
is hereby changed to Donald Driver Way effective June 15, 2013.

Adopted April 3, 2013

Approved April 4, 2013

James J. Schmitt
Mayor

Kris A. Teske
Clerk

DESCRIPTION OF THE 300 BLOCK OF NORTH PEARL STREET
TO BE RENAMED TO DONALD DRIVER WAY

That part of the North Pearl Street right-of-way conveyed for street purposes in Brown County Document Numbers 2377446 and 2377461, located in part of the tract formerly known as the Fort Howard Military Reserve, now known as the Railroad Grant, City of

Green Bay, Brown County, Wisconsin, lying westerly of Lot 1, Brown County Certified Survey Map Number 4847, as filed in Volume 31 of Certified Survey Maps, Page 144, (said Certified Survey Map being part of the following properties: part of Lots 11 through 16, Dousman's Addition; part of the vacated Pearl Street, part of the Dousman Claim, and part of the Railroad Grant); and lying easterly of Lot 4, Brown County Certified Survey Map Number 7693, as filed in Volume 53 of Certified Survey Maps, Page 31, (said Certified Survey Map being part of the following properties: Lots 21 and 22, Dousman's Addition; part of the vacated Pearl Street); and lying easterly of Outlot 1 and Lots 1 through 12 of the recorded Larsen Green plat, all located in the City of Green Bay, Brown County, Wisconsin.

<u>Parcels affected</u>	<u>Owners name and mailing address</u>
5-1524-1	Titletown Brewing Co, LLC 200 Dousman Street Green Bay, WI 54303-2712
5-584-3	CGL Partners, LLC 300 Dousman Street Green Bay, WI 54303-2714
5-1740, 5-1741, 5-1742 5-1753, 5-1754, 5-1755 5-1756, 5-1757, 5-1758 5-1759, 5-1760 & 5-1761	On Broadway, Inc. 117 S Chestnut Avenue Green Bay, WI 54303-1525

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

RESOLUTION AUTHORIZING BROWN COUNTY
TO ENFORCE CHAPTER 26,
BROWN COUNTY ORDINANCES
RELATING TO ANIMAL WASTE
MANAGEMENT WITHIN THE
CITY LIMITS OF GREEN BAY

April 3, 2013

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the City of Green Bay desires to protect and promote the agricultural industry and also to promote and enhance the aesthetic conditions and general welfare of the people of Green Bay; and

WHEREAS, the City of Green Bay desires to have the design, construction, abandonment and maintenance of animal waste storage facilities, animal feed lots and nutrient management regulated within its city limits; and

WHEREAS, Brown County has adopted Brown County Ordinance Chapter 26 (a copy of which is attached hereto) which regulates the design, construction, abandonment and maintenance of animal waste storage facilities, animal feedlots, and nutrient management; and

WHEREAS, the City of Green Bay desires to have the Brown County Land Conservation Department enforce Chapter 26, Brown County Ordinances, within the city limits of Green Bay.

NOW, THEREFORE, BE IT RESOLVED, that the City of Green Bay grants to Brown County the authority to enforce Chapter 26, Brown County Ordinances, relating to animal waste management within the city limits of Green Bay.

Adopted April 3, 2013

Approved April 4, 2013

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

RESOLUTION REGARDING VACATION
OF A PORTION OF VALLEY VIEW ROAD,
APPROXIMATELY 249 FEET EAST OF BARBERRY LANE

April 3, 2013

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, a request has been filed with the Common Council requesting vacation of a portion of Valley View Road, approximately 249 feet east of Barberry Lane, as depicted on the attached map; and

WHEREAS, the public interest may require that the aforesaid street be abandoned, vacated, and discontinued; and

WHEREAS, the Plan Commission of the City of Green Bay has given approval to such abandonment, vacation, and discontinuance subject to the following conditions:

1. The petitioner is responsible for all costs to abandon the existing storm sewer and remove pavement within the vacated area; and
2. A utility easement is retained for the existing Wisconsin Public Service facilities, or the facilities are removed and/or relocated at the requestor's expense.

NOW, THEREFORE, BE IT RESOLVED that it appears to be in the public interest that a portion of Valley View Road, approximately 249 feet east of Barberry Lane, be abandoned, vacated, and discontinued by the City of Green Bay subject to the above-referenced conditions, and that a hearing be held on the abandonment, vacation, and discontinuance of the same on May 21, 2013, at 7:00 P.M. in the Council Chambers, City Hall, 100 North Jefferson Street, Green Bay, Wisconsin.

BE IT FURTHER RESOLVED that a notice of such hearing be served on the owners of the frontage of the lots and lands abutting on the portion of the street sought to be abandoned, vacated, and discontinued at least 30 days before such hearing, and that notice of such hearing be published in the official newspaper of the City of Green Bay once a week for three successive weeks before the date of hearing.

BE IT FURTHER RESOLVED that the City Attorney, upon adoption of this resolution, cause a lis pendens to be prepared and filed with the Register of Deeds for Brown County, Wisconsin, pursuant to §840.11, Wis. Stats.

Adopted April 3, 2013

Approved April 4, 2013

James J. Schmitt
Mayor

Kris A. Teske
Clerk

LEGAL DESCRIPTION
VACATION OF A PORTION OF VALLEY VIEW ROAD,
APPROXIMATELY 249 FEET EAST OF BARBERRY LANE

Part of Private Claim 15, west side of Fox River, City of Green Bay, Brown County, Wisconsin, more particularly described as follows:

Commencing at the northeasterly corner of Meacham's Stadium Subdivision, recorded in Volume 10 of Plats, Page 25, Document Number 535659, also known as Brown County Surveyor's Traverse Pt #30A9.1;

Thence along the north line of said subdivision N63°59'15"W, 1130.47 feet to the northerly corner of Lot 3, Meacham's Stadium Subdivision and the point of beginning;

Thence N63°59'15"W, 249.79 feet to the easterly right-of-way of Barberry Lane;

Thence N25°42'21"E, 33.77 feet to the northerly line of Valley View Road and the south line of Lot 1 CSM #2826 recorded in Volume 14, Pages 109 – 111, Document Number 1037667;

Thence along said north line S64°17'28"E, 249.78 feet;

Thence S25°42'28"W, 35.09 feet to the point of beginning.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**FINAL RESOLUTION AUTHORIZING
ASPHALT PAVEMENT IMPROVEMENTS
AND LEVYING SPECIAL ASSESSMENTS
AGAINST PROPERTY
APRIL 3, 2013**

WHEREAS, the Improvement & Service Committee of the City of Green Bay, Wisconsin, held a public hearing at the City Hall at 6:30 pm on the 27TH day of March, 2013 for the purpose of hearing all interested persons concerning the preliminary resolution and Report of the Director of Public Works on the proposed improvement and has heard all persons desiring audience at such hearings on the following streets or portions of streets:

HOWARD STREET – TWELFTH AVENUE TO OAK STREET

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

1. That the Report of the Director of Public Works pertaining to the construction of the above described improvement, including plans and specifications therefore as modified, having been reviewed and discussed by members of the Improvement & Service Committee, is hereby adopted and approved.
2. That the Improvement & Service Committee is directed to advertise for bids and to carry out the work of such improvement in accordance with the Report of the Director of Public Works as approved and authorized by the appropriate Committee.
3. That the payment for improvements be made by assessing the cost to the property as indicated in said Report of the Director of Public Works.
4. That the assessments shown on and confirmed by the Report of the Director of Public Works as modified are true and correct, and found to be in the public interest are hereby confirmed.
5. That those special assessments not paid in cash shall be payable to the City of Green Bay in five (5) annual installments with interest thereon at the rate of four and three-quarters percent (4.75%) per annum.
6. That the City Clerk shall be directed to publish this resolution in the official newspaper of the City of Green Bay.
7. That the City Clerk shall be further directed to mail a copy of this resolution to every property owner whose name appears on the assessment roll, whose post office address is known, or can with reasonable diligence be ascertained.

Adopted April 3, 2013

Approved April 4, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

ORDINANCES – FIRST READING

GENERAL ORDINANCE NO. 9-13

AN ORDINANCE REPEALING CHAPTER 11, GREEN BAY MUNICIPAL CODE, RELATING TO THE REGULATION OF RESTAURANTS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Chapter 11, Green Bay Municipal Code, is hereby repealed.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____,
2013.

APPROVED:

Mayor

ATTEST:

Clerk

CHAPTER 11

RESTAURANTS

- 11.01 Definitions
- 11.02 Enforcement
- 11.03 Permit
- 11.04 Itinerant Restaurants
- 11.05 Examination and Condemnation of Food or Drink
- 11.06 Inspection
- 11.07 Sanitation Requirements
- 11.08 Wholesomeness of Food and Drink
- 11.09 Communicable Disease
- 11.10 Procedure When Infection Suspected
- 11.11 Amendments to Standards
- 11.15 Penalty

11.01 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) **RESTAURANT.** Restaurant means restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, nursing-home kitchen, church kitchen, and any other public eating and drinking establishment, as well as any kitchen in which food and drink are prepared for sale elsewhere to the public.

(2) **ITINERANT RESTAURANT.** Itinerant restaurant means a restaurant operating temporarily in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

(3) **EMPLOYEE.** Employee means any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed at any time in a room in which food or drink is prepared or served.

(4) **UTENSILS.** Utensils mean kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

(5) **HEALTH COMMISSIONER.** Health Commissioner means the Health Commissioner of the City or an authorized representative.

11.02 **ENFORCEMENT.** This chapter shall be enforced by the Health Commissioner in accordance with standards adopted by the City Board of Health, a certified copy of which standards shall be on file in the City Clerk's Office and in the City Health Department.

11.03 **PERMIT.**

(1) **PERMIT REQUIRED.** No person shall operate a restaurant in the City who does not possess an unrevoked permit and in whose place of business such permit is not posted in a conspicuous place, except the Health Commissioner may exempt a person conducting an itinerant restaurant in connection with a philanthropic society, a one-day event, or the like from such requirement. Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such a permit.

(2) **APPLICATION FOR PERMIT.** An application for permit shall be made to the Board of Health and shall state the name and address of the person applying for the permit and such other information as the Board of Health may require.

(3) **APPROVED APPLICATIONS.** When application is approved by the Board of Health, the permit shall be granted by the Council and issued by the Clerk. This permit shall be valid from January 1 through December 31 of the year in which it is issued.

(5) **SUSPENDED OR REVOKED PERMIT.** Such permit may be suspended or revoked by the Mayor or Council upon the recommendation of the Board of Health. The holder of the permit shall be granted an opportunity for a due process hearing before the Board of Health upon such suspension or revocation.

11.04 **ITINERANT RESTAURANTS.** Itinerant restaurants shall be constructed and operated in a manner approved by the Health Commissioner.

11.05 **EXAMINATION AND CONDEMNATION OF FOOD OR DRINK.** Samples of food and drink may be taken and examined by the Health Commissioner as often as deemed necessary for the detection of unwholesomeness or adulteration. The Health Commissioner may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which the Commissioner deems unwholesome or adulterated.

11.06 **INSPECTION.**

(1) At least once every six months the Health Commissioner shall inspect every restaurant in the City. If the Health Commissioner discovers a violation of any provision of this chapter, an order shall be issued to correct the violation. Failure to obey the order on two consecutive inspections shall be cause for immediate suspension of the permit.

(2) One copy of the inspection report shall be posted by the Health Commissioner within the restaurant and shall not be defaced or removed by any person except the Health Commissioner. Another copy of the inspection report shall be filed with the Board of Health.

11.07 **SANITATION REQUIREMENTS**. All restaurants shall comply with all of the following requirements:

(1) FLOORS. The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be smooth-surfaced and easily cleaned and shall be kept clean and in good repair.

(2) WALLS AND CEILINGS. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be light colored. The walls and ceilings of all rooms in which food or drink is prepared or utensils are washed shall have smooth, washable surfaces.

(3) DOORS AND WINDOWS. When flies are prevalent, all openings into the outdoors shall be effectively screened and all doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

(4) LIGHTING. All rooms in which food or drink is stored or prepared, or in which utensils are washed, shall be well lighted.

(5) VENTILATION. All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

(6) TOILET FACILITIES. Every restaurant shall be provided with adequate and conveniently located toilet facilities, conforming with City and State law, for its employees and patrons. Toilet rooms shall not open directly into any kitchen or storeroom. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept clean, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. If privies or earth closets are permitted and used, they shall be separate from the restaurant building and shall be constructed and operated in conformity with the standards of the State Department of Health.

(7) WATER SUPPLY. The water supply shall be easily accessible to all rooms in which food is prepared or utensils are washed and shall be adequate and of a safe sanitary quality.

(8) LAVATORY FACILITIES. Adequate and convenient hand-washing facilities shall be provided, including warm water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his or her hands.

(9) CONSTRUCTION OF UTENSILS AND EQUIPMENT. All multi-use utensils and all display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be easily cleaned and in good repair.

(10) CLEANING AND BACTERICIDAL TREATMENT OF UTENSILS AND EQUIPMENT.

(a) Equipment. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

(b) Utensils. All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purposes.

(c) Use of Poisonous Substances Prohibited. No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

(11) STORAGE AND HANDLING OF UTENSILS AND EQUIPMENT. After bactericidal treatment, no utensils shall be stored except in a clean, dry place protected from flies, dust, or other contamination, and no utensil shall be handled except in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

(12) STORAGE AND DISPLAY OF FOOD AND DRINK. All food and drink shall be so stored and displayed as to be protected from dust, flies, vermin, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowl shall be kept or allowed in any room in which food or drink is prepared or stored.

(13) WASTES. The premises of all restaurants shall be kept clean and free from litter or rubbish. All wastes shall be properly disposed of and all garbage and trash shall be kept in suitable receptacles in such a manner as not to become a nuisance. See Ch. 9, Green Bay Municipal Code.

(14) REFRIGERATION. All readily perishable food or drink shall be kept at or below 50° F. except when being prepared or served. Meat and food shall not be placed in direct contact with ice. Waste water from refrigeration equipment shall be properly disposed of.

(15) **CLEANLINESS OF EMPLOYEES.** All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

(16) **NOT TO BE CONDUCTED IN LIVING QUARTERS.** No operation connected with a restaurant shall be conducted in any room used as living or sleeping quarters.

11.08 **WHOLESOMENESS OF FOOD AND DRINK.** All food and drink shall be wholesome and free from spoilage. All foods served raw, including vegetables, shall be thoroughly washed in clean, safe water. Contents of cans must be removed from such cans when they are opened. All milk, fluid milk products, and ice cream and other frozen desserts shall be from sources approved by the Health Commissioner. Milk and fluid milk products shall be served in the containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device. All oysters, clams, and mussels shall be from approved sources.

11.09 **COMMUNICABLE DISEASE.**

(1) **NOTIFICATION OF DISEASE.** Notice shall immediately be sent to the Health Commissioner by the restaurant owner or manager or by the employee concerned if the owner or manager or any employee contracts any infectious, contagious, or communicable disease or has a fever, a skin eruption, a cough lasting more than three weeks or any other suspicious symptom. Any such employee shall notify the restaurant owner or manager immediately when any of such conditions obtain; and if neither the owner, manager, nor the employee concerned notifies the Health Commissioner immediately when any of such conditions obtain, they shall be held jointly and severally to have violated this section.

(2) **TYPHOID CARRIERS NOT TO BE EMPLOYED.** NO person who has had typhoid fever shall be employed in a restaurant or kitchen or as a handler of food or food materials until it has been determined by appropriate tests that such person is not a typhoid carrier.

11.10 **PROCEDURE WHEN INFECTION SUSPECTED.** When suspicion arises as to the possibility of transmission of infection from any restaurant employee, the Health Commissioner may require any or all of the following measures:

- (1) The immediate exclusion of the employee from all restaurants.
- (2) The immediate closing of the restaurant concerned until, in the opinion of the Health Commissioner, no further danger of disease outbreak exists.
- (3) Adequate medical examinations of the employee and those associated with such person, with such laboratory examinations as may be indicated.

11.11 **AMENDMENT TO STANDARDS.** Amendments to the standards shall be in accordance with the following methods:

The Board of Health may, from time to time, amend, supplement, or change the standards of this chapter. No such change or amendment shall be made except after notice of the proposed changes and of a hearing thereon by publication of a Class 1 notice under Ch. 985, Wis. Stats., in the official newspaper and after an opportunity to any person interested to be heard. Such amendments shall not take effect until published in the official newspaper.

11.15 **PENALTY.** Any person who shall violate any provision of this chapter or any rule, regulation, or order adopted hereunder shall be subject to a penalty as provided in §40.05, Green Bay Municipal Code.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Warner to advance the ordinance to the third reading. Motion carried.

PLANNING ORDINANCE NO. 1-13

AN ORDINANCE AMENDING THE OFFICIAL MAP OF THE CITY OF GREEN BAY TO REFLECT AN ALTERNATIVE FUTURE ROAD PATTERN NORTH OF THE 3100 BLOCK OF WEST POINT ROAD (OMA 13-01)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. The Official Map of the City of Green Bay, as created by Section 12.02, Green Bay Municipal Code, is hereby amended to reflect an alternative future road pattern north of the 3100 block of West Point Road, as depicted on a map attached hereto and made a part of this ordinance as though fully set forth herein.

SECTION 2. This official map amendment shall be subject to the placement of a 15-foot wide pedestrian way from the extension of Sandstone Place to West Point Road and non-objection from commenting departments.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 12.03, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

**LEGAL DESCRIPTION
PLANNING ORDINANCE NO. 1-13**

Tax Parcel No. 6H-1185: SW1/4 SW FRAC 1/4 SEC 30 T24N R20E EX N 10 RODS OF W 16 RODS LYG E OF RD & EX 633 R 114 & EX J2872-30 & EX J3218-21 & EX SAND RIDGE PARK & EX 1763662 FOR RD & EX 1765687 & ALSO PRT OF OUTLOT 2 SUMMER PLACE ESTATES DESC IN 1765686.

Tax Parcel No. 6H-1185-2: THAT PRT OF THE S 1/2 OF TH E SW 1/4 SW 1/4 SEC 30 T24N R20E DESC IN 693 R 41 BCR EXC THE S 1/2

Tax Parcel No. 6H-1185-6: S 1/2 OF PCL A OF 2 CSM 69 BNG PART OF SW1/4 SW1/4 SEC 30 T24N R20E

Tax Parcel No. 6H-1185-3: PARCEL B OF VOL 2 CSM 69 BN G PRT S1/2 SW1/4 SW1/4 SEC 30 T24N R20E EXC THAT PRT DES IN J8370-17

Tax Parcel No. 6H-1185-5: PARCEL C OF VOL 2 CSM 69 BNG PRT S1/2 SW1/4 SW1/4 SEC 30 T 24N R20E AND THAT PRT PARCEL B OF 2 CSM 69 AS DES IN J8370-17

Tax Parcel No. 6H-1185-4: THAT PRT OF S 1/2 OF SW 1/4 SW 1/4 S30 T24N R20E AS DES IN 708 R 83

Tax Parcel No. 6H-1185-A: PART OF S1/2 OF SW1/4 SW 1/4 SEC 30 T24N R20E AS DESC IN 862 R 384 EX J23720-29

Tax Parcel No. 6H-3538: SAND RIDGE PARK LOT 16

Tax Parcel No. 6H-3537: SAND RIDGE PARK LOT 15

Tax Parcel No. 6H-3534: SAND RIDGE PARK LOT 12

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Warner to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 5-13

AN ORDINANCE
REZONING PROPERTY LOCATED
IN THE 3100 BLOCK OF WEST POINT ROAD
FROM RURAL RESIDENTIAL (RR) DISTRICT
TO LOW DENSITY RESIDENTIAL (R1) DISTRICT
AND REZONING THE EXISTING WETLAND AREAS
TO CONSERVANCY (CON) DISTRICT
(ZP 13-07)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Rural Residential (RR) District to Low Density Residential (R1) District:

Part of the Southwest 1/4 of the Southwest 1/4 of Section 30, T24N-R20E, City of Green Bay, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southwest corner of Section 30, T24N-R20E; thence N89°35'59"E, 1319.63 feet along the South line of the Southwest 1/4 of the Southwest 1/4 of said section; thence N00°13'58"E, 35.00 feet to the North 35 foot right of way line of West Point Road and the point of beginning; thence S89°35'59"W, 643.69 feet along said right of way line; thence N00°13'58"E, 241.88 feet along the East line of Parcel D of Volume 2, Certified Survey Maps, page 69 (Map#484-Doc.#634339), Brown County Records; thence S52°32'56"E, 125.58 feet; thence N89°35'59"E, 123.75 feet; thence S00°09'42"W, 39.81 feet; thence N89°35'59"E, 328.51 feet; thence N00°09'42"E, 31.94 feet; thence N63°16'24"W, 108.91 feet; thence N30°48'28"W, 80.58 feet; thence N57°49'21"E, 111.39 feet; thence N08°04'28"W, 25.79 feet; thence N00°09'42"E, 25.05 feet; thence S89°34'37"W, 18.01 feet; thence N57°03'11"W, 48.05 feet; thence N29°50'37"W, 245.48 feet; thence N89°34'32"E, 321.62 feet along the extension and centerline of Ferndale Drive; thence S00°13'58"W, 625.72 feet along the West line of the recorded plat of The Dunes (Volume 17, Plats, page 43-Doc.#894485). Brown County Records, to the point of beginning.

Parcel contains 195,810 square feet / 4.50 acres, more or less.

Parcel subject to any easements and restrictions of record.

SECTION 2. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the existing wetland areas to Conservancy (CON) District:

Part of the Southwest 1/4 of the Southwest 1/4 of Section 30, T24N-R20E, City of Green Bay, Brown County, Wisconsin, more fully described as follows:

ZONING ORDINANCE NO. 5-13

Page 2

Commencing at the Southwest corner of Section 30, T24N-R20E; thence N89°35'59"E, 1319.63 feet along the South line of the Southwest 1/4 of the Southwest 1/4 of said section; thence N00°13'58"E, 35.00 feet to the North 35 foot right of way line of West Point Road; thence S89°35'59"W, 643.69 feet along said right of way line; thence N00°13'58"E, 241.88 feet along the East line of Parcel D of Volume 2, Certified Survey Maps, page 69 (Map#484-Doc.#634339), Brown County Records and the point of beginning; thence S52°32'56"E, 125.58 feet; thence N89°35'59"E, 123.75 feet; thence S00°09'42"W, 39.81 feet; thence N89°35'59"E, 328.51 feet; thence N00°09'42"E, 31.94 feet; thence N63°16'24"W, 108.91 feet; thence N30°48'28"W, 80.58 feet; thence N57°49'21"E, 111.39 feet; thence N08°04'28"W, 25.79 feet; thence N00°09'42"E, 25.05 feet; thence S89°34'37"W, 18.01 feet; thence N57°03'11"W, 48.05 feet; thence N29°50'37"W, 245.48 feet; thence S89°34'32"W, 322.07 feet along the extension and centerline of Ferndale Drive; thence S00°13'58"W, 383.57 feet along said East line, to the point of beginning.

Parcel contains 206,845 square feet / 4.75 acres, more or less.

Parcel subject to any easements and restrictions of record.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Warner to advance the ordinance to the third reading. Motion carried.

ORDINANCES – THIRD READING

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of adopting the general ordinances with one roll call vote. Motion carried.

GENERAL ORDINANCE NO. 7-13

AN ORDINANCE AMENDING SECTION 29.208, GREEN BAY MUNICIPAL CODE, RELATING TO PARKING REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO STOPPING OR STANDING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

AMY STREET, south side, from a point 590 feet west of Schoen Street to Schoen Street

SCHOEN STREET, west side, from Lilac Lane to Amy Street

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

AMY STREET, south side, from a point 590 feet west of Schoen Street to a point 460 feet west of Schoen Street

SCHOEN STREET, west side, from a point 140 feet south of Amy Street to a point 240 feet south of Amy Street

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

AMY STREET, south side, from a point 460 feet west of Schoen Street to Schoen Street

SCHOEN STREET, west side, from Amy Street to a point
140 feet south of Amy Street

SCHOEN STREET, west side, from a point 240 feet south of
Amy Street to Lilac Lane

SECTION 4. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following TWO-HOUR PARKING 7:00 AM – 7:00 PM MONDAY - FRIDAY zones:

BROADWAY, west side, from a point 65 feet north of Clinton Street to a point 273 feet north of Clinton Street

BROADWAY, east side, from a point 30 feet south of Arndt Street to Clinton Street

BROADWAY, west side, from a point 30 feet south of Arndt Street to a point 365 feet north of Clinton Street

SECTION 5. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zones:

BROADWAY, west side, from a point 30 feet south of Arndt Street to a point 235 feet north of Arndt Street

BROADWAY, east side, from a point 30 feet south of Arndt Street to a point 235 feet north of Arndt Street

BROADWAY, west side, from a point 65 feet north of Clinton Street to Tenth Street

SECTION 6. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following TWO-HOUR PARKING 7:00 AM – 7:00 PM MONDAY - FRIDAY zones:

BROADWAY, west side, from 70 feet south of Arndt Street to a point 230 feet south of Arndt Street

BROADWAY, west side, from a point 85 feet north of Clinton Street to a point 295 feet north of Clinton Street

BROADWAY, east side, from a point 90 feet south of Third Street to a point 430 feet south of Third Street

BROADWAY, east side, from Third Street to a point 60 feet south of Clinton Street

BROADWAY, east side, from a point 85 feet north of Clinton Street to a point 245 feet north of Clinton Street

BROADWAY east side, from a point 50 feet south of Arndt Street to a point 220 feet south of Arndt Street

SECTION 7. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zones:

BROADWAY, west side, from Arndt Street to a point 70 feet south of Arndt Street

BROADWAY, west side, from a point 230 feet south of Arndt Street to a point 430 feet south of Arndt Street

BROADWAY, west side, from a point 80 feet north of Clinton Street to Tenth Street

BROADWAY, east side, from Third Street to a point 90 feet south of Third Street

BROADWAY, east side, from a point 60 feet south of Clinton Street to a point 85 feet north of Clinton Street

BROADWAY, east side, from a point 220 feet south of Arndt Street to a point 385 feet south of Arndt Street

BROADWAY, east side, from a point 50 feet south of Arndt Street to a point 85 feet north of Arndt Street

SECTION 8. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 9. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 3rd day of April, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Nicholson, seconded by Ald. Wiezbiskie to adopt the ordinance.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

GENERAL ORDINANCE NO. 8-13

AN ORDINANCE
AMENDING SECTION 9.02,
GREEN BAY MUNICIPAL CODE,
RELATING TO SOLID WASTE
COLLECTION REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.02, Green Bay Municipal Code, is hereby amended as follows:

9.02 **SOLID WASTE COLLECTION REGULATIONS.** (Rep. & Rec. GO 47-03)

(1)(a) (Amd. GO 59-04) Residential and commercial waste shall be collected by the Department from all properties, provided such waste is properly handled, prepared, contained, stored, and located in conformance with this subchapter and rules and regulations established and publicized by the Director of Public Works. Waste collection shall be provided once per week at no charge for a maximum of four 32-gallon containers or equal volume per property or two 32 gallon containers or equal volume per dwelling unit, whichever is greater.

~~—(b) Non Residential Properties shall be provided the same collection service as residential properties above provided said non residential property is on a regular scheduled residential collection route. There shall be a charge for said service and that charge shall be set by resolution adopted by the Common Council.~~

(2) (Amd. GO 59-04) Recyclable waste to include co-mingled and paper shall be collected by the Department for all residential properties, up to and including six dwelling units, provided such waste is properly separated, handled, prepared, contained, stored, and located in conformance with this subchapter and rules and regulations established and publicized by the Director of Public Works. Recycling is mandatory, and residents will be required to comply with recycling regulations. Curbside recycling waste collection shall be provided once every two weeks to each household. The recycling ~~container~~ **cart** must be one which was ~~provided by the City or a replacement~~ purchased from the City. Recycling waste shall be placed out for collection separate from ~~but next to~~ other solid waste on the regular refuse collection day.

(3) Special Assessment for Extra Solid Waste Pickup.

(a) In those instances where the periodic solid waste pickup is not followed by residents or property owners, the Director of Public Works, or his designee, is hereby authorized, when scheduling time permits, to dispatch City crews to remove the following: (a) solid waste, (b) tires, (c) batteries, (d) waste oil, (e) yard waste, (f) **electronic waste** or (g) other items that are placed out for collection that would not normally be collected. Any items removed are subject to

removal charges noted below and any cost of disposal. ~~Items placed out due to periodic change of tenancy (move outs) from residences that are not called into the West Side Garage for scheduled pickup shall be charged for said service and proper disposal.~~

(b) The costs of such removal shall be the hourly rate (including fringe benefits) per employee dispatched, plus truck charges and administration fees, for the time spent collecting such solid waste from the time of dispatch to the time the truck returns to the municipal garage. There shall be a three-tenths hour minimum charge for such dispatch. Should City crews be dispatched at a time to collect such solid waste items which requires the City to incur overtime, the appropriate hourly rate will be charged (whether time and one-half or double time).

(c) Should the property owner fail to pay such charge as invoiced within 30 days of the date of the invoice, the same shall become a lien upon the property as provided in §66.0627, Wis. Stats., and §9.02(8), Green Bay Municipal Code, on behalf of the City of Green Bay and carrying such interest as has been determined by the Common Council.

(4) Separation of Recyclable Waste.

(a) The following recyclable materials from single family and 2 to ~~4~~ **6** unit residences, multifamily dwellings and non-residential facilities and properties shall be separated from solid waste:

1. lead acid batteries
2. major appliances
3. waste oil
4. yard waste
5. aluminum containers
6. bi-metal containers
7. corrugated paper or other container board
8. foam polystyrene packaging
9. glass containers
10. magazines
11. newspaper
12. office paper
13. rigid plastic containers made of PETE, and HDPE
14. rigid plastic containers made of PVC, LDPE, PP, PS, and other resins or multiple resins
15. steel containers
16. waste tires

17. electronic waste or E-waste.

(b) Separation Requirements Exempted. The separation requirements of 9.02(4)(a) do not apply to the following:

1. Occupants of single family and 2 to ~~4~~ **6** unit residences, multiple-family dwellings and non-residential facilities and properties that send their solid waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in 9.02(4)(a) from solid waste in as pure a form as is technically feasible.

2. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from solid waste burned as supplemental fuel.

3. A recyclable waste item specified in 9.02(4)(a)1. through 15. for which a variance has been granted by the Department of Natural Resources under § 159.11(2m), Wisconsin statutes, or § NR 544.14, Wisconsin Administrative Code.

(5)(a) Recyclable waste shall not be collected from buildings containing seven or more dwelling units. Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which was banned January 1, 1995, from landfills as provided in **1989** Wisconsin Act 335.

Items included in **1989** Wisconsin Act 335 are: aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, or other material printed on similar paper, newspaper or other material printed on newsprint, office paper, rigid plastic containers, steel containers, bi-metal steel/aluminum containers for carbonated and malt beverages.

All owners or designated agents of these buildings are required to do all the following:

1. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.

2. Provide adequate, separate containers to tenants for the separation of recyclable waste included in the 1995 ban.

3. Provide for the collection and recycling of recyclable materials separated from solid waste by the tenants, and the delivery of the materials to a recycling facility.

4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation and a contact person, including a name, address and telephone number.

All owners of these buildings are required to comply with State Statutes which ban the items listed above from landfilling and incineration beginning January 1, 1995.

(b) The requirements specified in 9.02(5)(a) do not apply to the owners or designated agents of multi-family dwellings if the solid waste generated within the dwellings is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the

materials specified in 9.02(4)(a)5. through 15. from solid waste in as pure a form as is technically feasible.

(6)(a) Recyclable waste shall not be collected from non-residential facilities and properties.

(b) Recycling laws apply not only to residential properties but also non-residential facilities and properties. All non-residential facilities or properties are required to separate the materials subject to §159.67, Wis. Stats., which bans said material from landfills on January 1, 1995.

(c) Owners or designated agents of non-residential facilities and properties shall do all of the following to the materials specified in 9.02(4)(a)5. through 15.:

1. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

2. Provide adequate, separate containers for the collection of recyclable materials.

3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

(d) The requirements specified in 9.02(6)(b) do not apply to the owners or designated agents of non-residential facilities and properties if the solid waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in 9.02(4)(a)5. through 15. from solid waste in as pure a form as is technically feasible.

(7) The Director of Public Works is hereby authorized to control the collection, removal, and hauling of solid waste in the City in conformity with the following administrative regulations:

(a) Solid Waste not Collected by the City. (Amd. GO 59-04)

1. Industrial waste.

2. Manufacturing waste.

3. Hazardous and/or toxic wastes.

4. Nauseous and/or offensive waste.

5. Sewage plant refuse.

6. Batteries.

7. Tires.

8. Waste oil.

9. Medical and infectious waste.

(b) Preparation. (Amd. GO 59-04)

1. Residential solid and commercial waste including miscellaneous refuse may be mixed and placed in a common container. Yard waste and recyclables are prohibited from being mixed with other waste.

2. Residential or commercial refuse and garbage shall be wrapped, packaged, and/or bundled and drained of any liquid.

3. Recyclable material such as glass, plastic bottles, tin, **paper, cardboard** and aluminum cans ~~may~~ **shall** be co-mingled and placed in one container.

4. To the greatest extent practicable, the recyclable materials separated from solid waste shall be clean and kept free of contaminants such as food, product residue, oil or grease, or other non-recyclable materials.

~~5. Recyclable paper shall not be placed in containers with other refuse or garbage. Such paper shall be separated from domestic solid waste, contained by placing in a paper grocery bag or securely tying in both directions with heavy string or cord, or any other method approved by the Director of Public Works, and placed at the curb separate from, but next to, other solid waste on the regular recycling collection day to be collected by the City; or recyclable paper may be disposed of in any other lawful manner. Cardboard must be broken down and bundled for collection.~~

~~6~~ **5.** Branches, limbs, and cuttings from trees, shrubs, and the like shall be cut in less than **3 - 8'** lengths **and must be at least 1/2" in diameter** when set out for collection. No brush will be picked up by the City when generated from vacant property or new building construction ~~if said property is owned by a home builder or developer or from any contracted job.~~ If said brush is not disposed of properly by the owner or contractor, the City will dispose of it and charge the property owner the actual cost.

~~7~~ **6.** Bulky waste will be picked up by a special collection crew ~~in amounts of 3 cubic yards or less.~~ All amounts ~~over 3 cubic yards~~ **collected** will be charged a fee. Said fee is to be a charge per cubic yard and will be established by resolution annually by the City Council. ~~Collection of bulky waste greater than 3 cubic yards will take place in seven calendar days from the date of verbal notice or written notice to the owner.~~ **Items placed out due to periodic change of tenancy (move outs) from residences shall be charged for said service and proper disposal.**

~~8~~ **7.** Hot cinders, ashes, or any smoldering embers shall not be placed in any collection. Ashes shall not be placed in cardboard or paper containers, but shall only be placed in **sealed/tied** plastic bags for a type and composition suitable for handling. ~~All ashes shall be in containers, and no ashes placed on the ground will be shoveled therefrom by the collection crew.~~

(c) Container - Garbage and Refuse.

1. One-way disposable plastic bags are preferred, made of polyethylene, plastic material with a securing twist tie, consisting of a minimum of 1-1/2 mil. thickness.

2. If plastic bags are not used, the container shall be durable, rust-resistant, non-absorbent, watertight, rodent-proof, and easily cleaned with close-fitting fly-tight cover. The container shall be made of metal or plastic only, having adequate handles or bails attached to the outside of the container to facilitate handling.

3. The total weight of the container and contents shall not be more than 50 pounds.

4. The container shall be no greater than 32-gallon capacity.

5. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.

6. Any container deemed defective or otherwise inadequate by the Director of Public Works shall be replaced within one week's time following notification by the City.

7. Any defective container not replaced subsequent to the notification shall result in the issuance of a citation.

(d) Container - Recycling.

1. The cost of all recycling containers provided by the City shall be at a charge established by resolution. A minimum of one container is required at each residential unit as long as there are no more than ~~four~~ **six** such units in a building. ~~The container shall have a maximum capacity of 20 gallons. The container shall remain with the residential unit, and at least one container~~ **All containers** must be purchased from the City.

2. All containers for the storage of recyclable waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.

(e) Storage and Collection. (Amd. GO 13-11)

1. The owner and/or occupant of any premises shall be responsible for proper and sanitary storage, separation and preparation of all solid waste accumulated at that premises until collected by the collecting and transporting service.

2. Mobile Home Park and Condominium Waste. On the scheduled day of collection, mobile home park and condominium solid waste shall be properly prepared and placed at the curblane of the adjacent public street, ~~or if directed by the Department of Public Works Sanitation Section, at the alley line.~~ No collection will be made on private property. ~~except under the following conditions:~~

~~_____ a. The individual, company, or association which owns the land utilized for waste collection shall provide the City with an indemnification and hold harmless agreement protecting the City from any and all liability for coming upon such private property, in a form to be approved by the City Attorney's Office; and~~

~~_____ b. The property owner shall also maintain a policy of liability insurance, the terms and limits of which shall be determined by the City Risk Management Department, in which the City of Green Bay shall be named as an additional insured, protecting it from any and all liability for coming upon said property.~~

~~_____ c. City collection vehicles are able to enter and leave the private property proceeding only in a forward motion, the private driveways or alleys are of an adequate width to accommodate safe movement and turning of City collection vehicles without leaving the pavement and the solid waste is placed out for collection in an open area readily accessible for collection. If waste stored on private property is not disposed of properly, the City will see that proper disposal is made and charge the property owner the actual cost of said disposal.~~

3. Residential Waste. Residential waste shall be properly prepared and placed at the curblane. Pickups shall not be made in the alley adjoining residential property. No collection shall be made on private property except for mobile home parks and condominiums as defined above.

4. Recyclable Waste. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Recyclable wastes shall be **placed in a recycling cart** properly prepared and placed at the curblane **a minimum of 4 feet from next to** regular solid waste for collection. Recyclable waste collection shall be made on the same day as regular solid waste collection. Pickups shall not be made on residential, private property, or in the alley adjoining residential property except for mobile home parks and condominiums as defined above.

5. Mobile Home Park and Condominium Waste. Waste from mobile home parks and condominiums shall be considered residential waste and shall be stored and collected under the provisions of §9.02(7)(e)2, Green Bay Municipal Code.

~~_____ 6. Pickups shall not be made at the rear of the residence or back door unless certified to by the City Department of Public Works that a hardship exists due to physical handicap.~~

~~7~~ 6. Any solid waste, when placed out for collection, shall be out by 6:00 A.M. from June 1 through August 31 and shall be out by 7:00 A.M. from September 1 through May 31 on the scheduled day of collection, but shall not be placed out more than 12 hours before collection day and shall be removed not more than 12 hours after collection day. Solid waste for collection shall be placed along the curb line immediately adjacent to the property which has generated the solid waste. Failure to comply may result in the issuance of a citation.

~~8~~ 7. Items too large or otherwise unsuitable for storage containers shall be stored in a nuisance-free manner consistent with regulations established by the Director of Public Works.

~~9~~ 8. All solid waste placed out for collection becomes City property upon being collected.

~~10~~ 9. (Rep. & Rec. GO 43-04) Garbage, recycling, ~~yard waste~~, or refuse containers shall be stored during the time period between collection days ~~in an enclosed structure or building, or stored in rigid metal or plastic containers designed in accordance with §§9.02(7)(c)2-5, which are screened from view of a public right-of-way.~~ Garbage, recycling, ~~yard waste~~, or refuse shall not be stored in the following locations:

~~_____ a. In front of a building, the front herein defined to be that side numbered in accord with §9.31, Green Bay Municipal Code.~~

~~_____ b. At that side of a building on a corner lot that faces the street.~~

~~_____ c. On, under, or along side of a front porch, stoop, steps, landing, accessible ramp, or deck fronting on a public right-of-way.~~

~~d. Within 15' of the public right-of-way, except during collection time periods.~~

a. Garbage, recycling or refuse carts shall not be stored within 15' of the public right-of-way.

b. Garbage, recycling or refuse carts shall not be stored on any street side of a building unless the cart is completely screened from view at the public right-of-way.

c. Garbage, recycling, or refuse carts shall be stored in the backyard, garage, or any other convenient discreet location.

d. All collection containers must be stored with the lids securely closed.

e. Do not store carts near a furnace, grill or any other heat source.

~~44~~ **10.** There shall be no variance from this section without the prior approval of the Director of Public Works therefore.

~~42~~ **11.** Any garbage, recycling, yard waste, or refuse container stored in violation of this chapter, irrespective of the provisions of §9.02(6)(f) ~~10~~ **(7)(e)9.** above, shall be subject to the following:

a. The Director of Public Works shall have the authority to order that any exterior storage of garbage, recyclables, or refuse be enclosed in a structure if, in his determination, the storage of such garbage, recyclables, or refuse is unsanitary or creates or tends to create a nuisance to public health or safety.

b. In determining whether an exterior storage structure shall be required under this section, the Director of Public Works shall take into account the location of the waste storage, its proximity to residential areas, the likelihood of human exposure or contact with the waste storage areas, and the type of waste being stored. These considerations are to be deemed illustrative and not exclusive.

c. All structures ordered under this section shall be at least three sided and constructed of opaque materials sufficient to ensure the waste is impervious to view from the exterior of the three sides. The walls of the structure shall be of a height equal to 1' taller than the garbage or refuse receptacle, but in no event in excess of 6' in height, and shall be ~~painted and~~ maintained in a neat and orderly manner.

d. Any person aggrieved by such an order by the Director of Public Works to enclose said waste containers shall have the opportunity to bring such order before the Improvement and Service Committee for its review within 30 days of the issuance of the order.

(8) All charges by the City of Green Bay for early set-out as defined in §9.02(b)(e) ~~7~~ **(7)(e)6** and bulk pickups must be paid by 30 days after billing date or said charge will become a lien on the property according to §66.0627, Wis. Stats., and will be added to that year's taxes with interest.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 3rd day of April, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Nicholson, seconded by Ald. Thomas DeWane to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: Thomas DeWane. Motion carried.

MISCELLANEOUS ORDINANCE NO. 1-13

AN ORDINANCE
ADOPTING AN AMENDMENT TO THE
SMART GROWTH 2022 COMPREHENSIVE PLAN
OF THE CITY OF GREEN BAY PERTAINING TO
PROPERTY LOCATED ON THE NORTHWEST CORNER OF
ELIZABETH SREET AND UNIVERSITY AVENUE
FROM HIGH INTENSITY RETAIL OFFICE HOUSING (HIROH)
TO LIGHT INDUSTRY, OFFICE AND OFFICE-WAREHOUSE
(CPA 12-03)

WHEREAS, pursuant to §§62.23(2) and (3), Wis. Stats., the City of Green Bay is authorized to prepare, adopt, and amend a comprehensive plan as defined in §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Common Council of the City of Green Bay has adopted written procedures (known as the Public Participation Plan for Periodic Comprehensive Plan Amendments) designed to foster public participation in every stage of the preparation of periodic comprehensive plan amendments required by §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Plan Commission of the City of Green Bay, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending the Common Council adopt Comprehensive Plan Amendment CPA 12-03; and

WHEREAS, the City of Green Bay has held at least one public hearing on this ordinance in compliance with the requirements of §66.1001(4)(d), Wis. Stats. It is the Common Council's belief that this comprehensive plan amendment is necessary and consistent with the overall goals, policies, and other related elements of the plan.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. The Common Council has adopted the Smart Growth 2022 Comprehensive Plan for the purpose of guiding future land-use decision making, but recognizes that from time to time amendments may be necessary to reflect changes in the land use and planning needs of the community.

SECTION 2. The Common Council does hereby enact this ordinance to formally adopt Comprehensive Plan Amendment CPA 12-03 pursuant to §66.1001(4)(c), Wis. Stats. A copy of the comprehensive plan amendment is attached to this ordinance.

SECTION 3. This ordinance shall take effect upon passage by a majority of the members-elect of the Common Council and publication as required by law.

Dated at Green Bay, Wisconsin, this 3rd day of April, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

ZONING ORDINANCE NO. 4-13

AN ORDINANCE
AMENDING THE STANDARDS IN
ZONING ORDINANCE NO. 12-09,
WHICH CREATED A PLANNED UNIT
DEVELOPMENT DISTRICT AT

300 ELIZABETH STREET
(ZP 09-26)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by modifying the standards for a Planned Unit Development (PUD) District on the following described property at 300 Elizabeth Street:

LOT 1 OF 23 CSM 15 BNG PART OF LOT "E" OF
HAGEMEISTER REFEREE PLAT (Parcel No. 21-1979)

SECTION 2. Pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, the conditions are modified as follows:

A. PERMITTED/PROHIBITED USES

1. Principle Uses. The permitted principal use which may be established and/or maintained on the subject property shall be limited to a religious institution or place of worship.
2. Accessory Uses. Accessory uses which may be established and/or maintained on the subject property shall be those allowed as permitted and conditional uses in the General Commercial (C1) District.
3. Development Standards. Applicable development standards of Chapter 13-1600, Green Bay Municipal Code, shall be complied with for all uses in the PUD.

B. DIMENSIONAL AND AREA REQUIREMENTS

The dimensional and area requirements (e.g., setbacks, lot area, impervious surface coverage, etc.) shall be those established in the Light Industrial (LI) District, Table 9-2 of the Zoning Code.

C. OTHER APPLICABLE REGULATIONS

Where regulations are not specified by this ordinance, the regulations of the General Commercial (C1) District shall govern other applicable

aspects of zoning for the subject property. All other requirements and standards of the Green Bay Municipal Code shall be met. This includes as examples, but is not necessarily limited to, the parking requirements set forth in Section 13-1700, the lighting requirements set forth in Section 13-500, the sign regulations set forth in Section 13-2000, and the site plan requirements set forth in Section 13-1800.

- 1. Building Modifications. Necessary building permits and building inspections shall be obtained.**
- 2. Site Modifications. A site plan shall be submitted and approved prior to occupancy of the building under this PUD. "Required Improvements" listed under Section E shall be addressed by the site plan along with other applicable site plan elements.**

D. DISCONTINUANCE OF USE OR CHANGE OF LEASE/OWNERSHIP

This PUD Ordinance shall expire in the event that the property is no longer leased or owned by the Ravenswood Budlong Congregation. This PUD Ordinance shall also expire in the event that the use of the property as a religious institution or place of worship has been discontinued for more than 12 months. In any such event, the zoning shall revert back to the underlying General Industrial (GI) District.

E. REQUIRED IMPROVEMENTS

- 1. Parking and Access. Adequate parking shall be provided based on the maximum seating capacity of the main assembly hall and the approval of the Zoning Administrator under Table 17-2 of the Zoning Code. One or more access drives that meet the applicable requirements of the Green Bay Municipal Code shall be added to the site providing access to all of the designated parking areas. Parking and access shall be addressed prior to occupancy of the building under this PUD.**
- 2. Parking and Access Surfaces. Parking areas and access drives that will be utilized under this PUD, but do not meet the paved surface requirements of the Zoning Code, shall be paved within one year of the effective date of this ordinance. Alternate access may be provided in the interim until weather conditions permit paving. Any such alternate must also be identified on the site plan.**

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-1900 of the Green Bay Municipal Code and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this 3rd day of April, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

GRADE ORDINANCES

Moved by Ald. Kocha, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of adopting all of the grade ordinances with one roll call vote. Motion carried.

An ordinance to fix and permanently establish the grade of Irwin Avenue – Cass Street to East Mason Street.

An ordinance to fix and permanently establish the grade of Victoria Street – Crooks Street to Main Street.

An ordinance to fix and permanently establish the grade of South Broadway – 140' south of Clinton Street to Arndt Street (east).

An ordinance to fix and permanently establish the grade of Mather Street – Norwood Avenue to Velp Avenue.

An ordinance to fix and permanently establish the grade of Velp Avenue – Mather Street to Military Avenue.

An ordinance to fix and permanently establish the grade of North Military Avenue – Lenwood Avenue to Donald Street.

An ordinance to fix and permanently establish the grade of Lincoln Street – Velp Avenue to James Street.

An ordinance to fix and permanently establish the grade of Shea Avenue – Velp Avenue to 200' northeast.

An ordinance to fix and permanently establish the grade of Gallagher Avenue – Velp Avenue to 177' northeast.

An ordinance to fix and permanently establish the grade of Lyndon Street – Velp Avenue to 195' northeast.

An ordinance to fix and permanently establish the grade of Atkinson Drive – Velp Avenue to 490' north.

An ordinance to fix and permanently establish the grade of Taylor Street (northbound) – 280' north of Badger Street to Dousman Street.

An ordinance to fix and permanently establish the grade of Taylor Street (southbound) – Seventh Street to 130' north of Mason Street Frontage Road North.

An ordinance to fix and permanently establish the grade of Shawano Avenue (westbound) – Taylor Street to 205' west of Fellows Drive.

An ordinance to fix and permanently establish the grade of Shawano Avenue (eastbound) – Taylor Street to 205' west of Fellows Drive.

An ordinance to fix and permanently establish the grade of West Mason Street (eastbound) – Hinkle Street to 712' east of Taylor Street.

An ordinance to fix and permanently establish the grade of West Mason Street (westbound) – Hinkle Street to 709' east of Taylor Street.

An ordinance to fix and permanently establish the grade of Taylor Street (northbound) – Seventh Street to 130' north of Mason Street Frontage Road North.

An ordinance to fix and permanently establish the grade of Taylor Street (southbound) – Seventh Street to 130' north of Mason Street Frontage Road North.

An ordinance to fix and permanently establish the grade of Lambeau Street – 240' north of Frontage Road to 315' north of Starr Ct.

An ordinance to fix and permanently establish the grade of East Mason Street – Erie Road to Finger Road.

An ordinance to fix and permanently establish the grade of Taylor Street (southbound) – 280' north of Badger Street to Dousman Street.

Moved by Ald. Wiezbiskie, seconded by Ald. Nicholson to adopt the grade ordinances.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Moore to adjourn at 7:55 P.M.

Motion carried.

Kris A. Teske
Green Bay City Clerk